

FILED

JAN 26 2023

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY *OK*
DEPUTY CLERK

1 MELVIN A. PARKER III AP#
 2 (CSP-SAC) A4-106
 3 P.O BOX 290066
 4 RE: PREA, CA 95671

5 UNITED STATES District Court
 6 FOR THE EASTERN DISTRICT OF CALIFORNIA.

7 MELVIN A PARKER III
 8 PLAINTIFF,

9 J.

10 DEFENDANTS,

11 WARDEN, JEFF LYNCH, et al

(AMENDED COMPLAINT)

CIVIL NO: 2:22-cv-02015 KJNP

13 INTRODUCTION

14 ON 11-7-22 PETITIONER FILED AN CIVIL 1983 COMPLAINT E-FILE
 15 AGAINST DEFENDANTS WARDEN JEFF LYNCH AND OFFICERS
 16 N. WEST FOR THE HIRING OF INMATE D. RUCKETT TO COMMIT A
 17 CRIME OF MURDER AGAINST PETITIONER ID 31-19 WITH DEADLY
 18 WEAPON, CAUSING GRAVE INJURIES IRREVOCABLY AND OFFICERS
 19 M. BURKE HEART, FOR ACTING IN CONCERT WITH J. CORNELLY,
 20 RETALIATION AGAINST PETITIONER FOR REPORTING FELLOW OFFICER'S
 21 MISCONDUCTS BY COMMITTIN SEXUAL ABUSE BY (FOREIGN
 22 OBJECT OR INSTRUMENT) 3401.5. AND STAFF SEXUAL MISCONDUCT OR
 23 ABUSE OF AUTHORITY WHILE OPERATING UNDER THE COLOR OF LAW;
 24 PLACING THREATEN CALLS TO PETITIONER FAMILY CLAIMING PETITIONER
 25 IS AN (SEX OFFENDER) AND IS GOING TO DIE. DATING BACK OVER 2 1/2
 26 YEARS CONSTITUTING AN (CHAMPAIGNE OF HARASSMENT.)
 27 PETITIONER FILED FAILURE TO PROTECT WHEN MADE AWARE, WHEN

1 DEFENDANT JEFF LYNCH; WAS NOTIFYED OF STAFF MISCONDUCT;
2 CITING DELIBERATE INDIFFERENCE; DUE PROCESS VIOLATION
3 OF Fourtheeth Amendment.

4 PETITIONER WAS MADE aware 12-27-23 of 30day NOTICE TO
5 Amend ComPLaint Against Defendants Jeff Lynch and
6 Defendants M. BurkeHeart and J Connnelly while the
7 Courts PROCEEDED ACCEPTING to PROCESS matters with officer
8 N. WEST, which PETITIONER FULLY AGREED with Your Honor
9 MOTION while ComPLaint is being ADMENDED AGAINST said
10 Defendants, et al.

AMEND COMPLAINT

13 Count I, Amend ComPLaint to "Deliberate Indifference,"
14 Supervisor Negligence, failing to act when made aware of
15 The VIOLENT Unethical Practice (CSP-SAC) Officers was using to
16 Abuse PRISONERS in RETALiation for REPORTing Officers by filing 60
17 StaffComplaints FOR USE OF INETHICAL (EXCESSIVE FORCE) and OFFICE
18 ASSISTING INMATES to COMMIT Murder/and other forms of
19 RETALiations ON BEHALF of "CDCR-OFFICERS" (PRIOR!) Before the
20 the arrival of Petitioner to FACILITY-B "(Long Term RESTRICTIVE
21 Housing Unit/LTRHUI) SHU Program, which SUPERVISING -
22 Official Officers Jeff Lynch, THE HARDEN MUST ACT when NOTIFYED
23 and is made aware of HEALTH and SAFETY RISK to maintain
24 the Safety of the Facility from Future Risk of INJURIES -
25 citing - HARDY v. District of Columbia; 601 F. SUPP. 2d 182 (D.
26 Dist. 2009) - Which Jeff Lynch failed to ignore the VIOLEN
27 Unethical "Known" Practices from Officers IN "LTRHUI" that
28 Created the "HIGHLY VIOLENT ENVIRONMENT" and PATTERN ATTACKS

1 PRISONERS "SUFFERED irREVOCABLE INJURIES" from The Failure
 2 To SUPERVISE Subordinates; and The Lack of Training Created
 3 the INJURIES PETITIONER SUFFERED (10-21-19) FROM BEING VIOLENTLY
 4 ATTACKED while CHAINED to a Dayroom Chair By INMATE
 5 J. PICKETT) WHOM WAS HIRED TO Commit Murder UPON the
 6 PETITIONER ON BEHALF OF (CSP-SAC OFFICER'S and Officer
 7 N. WEST,) WHICH THE COURTS ALLOWED Suit against The Warden
 8 for SUPERVISOR LIABILITY Citing (Hardy v. District of Columbia
 9 601 F. SUPP. 2d 182 (D.C. Dist. 2009) and (Deliberate Ind
 10 ifferences of Fourteenth Amendment. citing Wilson v.
 11 Seiter; 501 U.S. 294 (1991).

12
 13 Count 2.
 14 Defendant Jeff Lynch. Deliberate Indifferences of the
 15 8th Amendment, to Cruel and Unusual Punishments
 16 Blatantly Ignoring the Continued VIOLENT ACTIONS from the
 17 Subordinates Under his SUPERVISION That INTENTIONALLY inflicted
 18 Emotional Distress and Physical Violence UPON PETITIONER
 19 while OPERATING in CONCERT with fellow officers thru out (CSP-
 20 SAC) Placing "HITS" on PETITIONER life, TO Murder and SEXUALLY
 21 Assault Me, that Lead to Admissions to CRISIS BEDS from
 22 SUICIDAL ATTEMPTS induced from the Sexual Abuse
 23 and Other Forms of Harassments Officers inflicted upon
 24 PETITIONER. Defendant Jeff Lynch RECEIVED Countless
 25 Grievances filed Against Officers M. BurkeHearts and
 26 Officer J. Connolly, for SEXUALLY ASSAULTIN' PETITIONER
 27 by use of (Foreign OBJECT) and OR (Instrument) on the
 28 Body, PENITRATION of "The ANUS" and TOUCHIN of "The PENIS"

1 For sexual pleasure, while operating under the color of law as State
 2 Actors, Committing RAPE under PREA Standards which the Warden
 3 was made of by LETTERS WRITTEN to the Warden Office by Petition
 4 Reporting officers M. BurketHeart and Officer J. Connnelly; Misconduct
 5 Constituting 8th Amendment Violation. Cruel and Unusual Punish-
 6 ments. that was the results of Injuries to Petitioner when ATTEMPTED
 7 Suicide from the Wardens inaction to Intervene. Starr v. Box
 8 652 F.3d 1202; 1202; 1208 (9th Cir. 2011)

9 Defendant Jeff Lynch a Prisonal official, Cannot ignore a PRO-
 10 blem. Once it is brought to their attention. VANCE V. PETERS; 97
 11 F.3d 987 (7th Cir 1996) (which Prison Official Failed to for 2^{1/2})

12 Count 3.

13 PETITIONER is ADMENDING Complaint AGAINST Officers M. BurketHeart
 14 and (Co)Defendant Officer J. Connnelly. Filed 11-7-22 E-filer
 15 citing "CAMPAIGN OF HARASSMENTS" EXPANDING OVER 2^{1/2} YEAR
 16 OF RAPE under PREA STANDards, and "EXTortion" by use of Threats
 17 to PETITIONER family by PHONEcalls and EMAILs. Intentional Distress
 18 resulting in Grave Injuries To Petitioner from Suicidal ATTEMPTS
 19 when Officer M. BurketHeart made calls to family of PETITIONER
 20 threatening to kill PETITIONER for claims of being a "BABYRAPIST";
 21 and SEXUALLY ASSAULTING PETITIONER 2-20-22 while inceffing via
 22 COMPUTER TECHNOLOGYs-called ("Touch REALITY") that allow office
 23 to TOUCH and ENBAGE in UNETHICAL CONDUCTS via Synthetic Media
 24 APPLICATIONS with REALITY GLASSES / or GLASSES.

25 Officer J. Connnelly via This VIRTUAL REALITY GLASSES - Was
 26 Committing "VICTERISM" for Pleasure reasons; beyond of Duty
 27 2-20-22 when he made Comments to "Let Him See Me reali-

1 Good while Touching Me on MY Penis and Buttocks.
 2 Committing RAPE under PREAstandars.
 3 PETITIONER WROTE THE Wardens Office and filed Grievances
 4 Manytimes (will present upon Discovery) REPORTING this incident
 5 and was Denied Medical treatments and Adequate Help
 6 which allowed these Actions to Continue, Committing Violation
 7 TO PETITIONER DUE PROCESS under the Fourteenth Amendment-
 8 ment.
 9 PETITIONER began to Notice that Upon My arrival to each Housing Unit, Officer M. BurkettHeart and Cornnelly would use this
 10 AIR-TECHNOLD6Y / TouchREALITY To Communicate with
 11 Other Officers whom was Escorting Other Prisoners and
 12 PETITIONER, using a "Low Husky WHISPER" Giving Officers
 13 Orders to SEXUALLY ASSAULT by RUBBING UP Against the Buttock,
 14 Stroking of inmates hands, and to Commit Battery Upon
 15 PETITIONER, which PETITIONER REPORTED June 27th, 2022; —
 16 until PRESENT. (Letters and Ldcr Grievances will be shown uDor
 17 Discovery)
 18 June 21th 2022; PETITIONER wrote Defendant Jeff Lynch
 19 concerning "NO RESPONSE" or Intervention Concerning the
 20 RAPEs PETITIONER Continued to Suffer from Both Officers
 21 whom up until PETITIONER Writing the Warden 6-21-2022
 22 had RUINED and Harassed PETITIONER Daily via The
 23 ComputerGenerated "Touch REALITY" Synthic Technology,
 24 which caused PETITIONER TO Commit Suicidal ATTEMPS To End
 25 the Pain by CUTTING PETITIONER THIGH and OTHER BODY PARTS,
 26 leading to Admissions to CRISIS BED and Placement into
 27 THE E.O.P PROGRAM for MENTAL HEALTH TREATMENTS.

1 From the Intentional Infliction of Emotional Distress cause
 2 from the CAMPAIGN OF HARASSMENT in RETALIATION OF ME
 3 REPORTING BOTH OFFICERS Conduct TO THE FBI, INSPECTOR GENERAL
 4 AL Office; Coleman and the Superintendent, L.E.O.
 5 Letters & 602's will be shown UPON DISCOVERY); REPORTING
 6 THE HEALTH and SAFETY RISK M. Puckett Heart imposed UPON
 7 PETITIONER life by Telling inmates "MELVIN" is IN Prison for
 8 BABY RAPING!; On the AIR using the Prison Announcement
 9 P.A) System. claiming "Melvin" is an Childmolester and use
 10 His CINC-1286 CHRONO-CENTRAL file, is AN "R-SUFFIX For
 11 Baby RAPING. Hoping to Have inmate Murder Petitioners result
 12 in an Immminent Danger and Future Risk. violating Petitions
 13 to the PRINCE LAW and Federal PREA Standard constituting
 14 AN Eighth Amendment Violation "Cruel and Unusual"
 15 Punishments. STARR V. BALA; 652 F.3d 1202, 1202, 1202
 16 (4th Cir. 2011.) and CAMPAIGN OF HARASSMENT "Calhoun
 17 V. HARGRAE; 312 F.3d 730 (5th Cir 2002); also
 18 Wittle v. Wisconsin Dept. of Corrections; 434 F.3d
 19 1031 (7th Cir. 2006).

Count 4

20 DEFENDANT N. WEST 10-31-19. Paid inmate D. Puckett to...
 21 Commit an ACT of Murder upon PETITIONER Officer;
 22 N. WEST assist inmate D. PUCKETT by REMOVING HIS CLOCK
 23 RESTRAINTS from Around the Waist, and Handcuff's to be
 24 Free to Commit Murder as PETITIONER sat in the DR
 25 Room. Chained to a Dunroom chair, Violently attacking
 26 PETITIONER when D. Puckett Door Open, Violently stabbing
 27 PETITIONER with a Deadly Weapon causing injuries to

1 PETITIONER: Irrevocably Physically and Constitutional Rights. "Cruel
2 and Unusual Punishments" of the Eighth Amendment. (BROWN V.
3 LIPPARD; F.2d 384 (5th Cir. 2006).

4 THE Courts STATUS declare that all Allegations shall be Assumed
5 Facial and TRUE. Should be only dismissed when the Defendant
6 Present facial showing UPON Disconsent. citing - KANANANICAS V.
7 JPMORGAN CHASE BANK; N.A. 2015 U.S. Dist. LEXIS 114322, ...

8 THE Courts shall GRANT "PRO SE" Motion to Amend Complaint filed
9 UPON Defendants Jeff Lynch; Individually and IN Official
10 Capacity et al; DEFENDANTS; Officers: M. Burkhardt and Officers
11 N. West and Officers J. Connally; needing ONLY to raise a reasonable
12 Elements of the claim. Id. at 234; (Twombly; 550 U.S. at 556)
13 Assuming the truth of facts Alleged; Rule 12 (b)(6) Authorizing The
14 Court to Dismiss a Claim on basis Response. Provide Evidence at
15 Discovery.

16 THE Court shall GRANT PRO SE Motion to Amend Complaint Filed 11-7-22
17 To Correct Cognizable Concerns as to Allegations filed. (citing -
18 Shomo v. City of NEW YORK; 579 F.3d 176 (2d Cir. 2009)

19 PETITIONER: DEMAND A JURY TRIAL) PUNITIVE DAMAGES of
20 SAID Violations. 8th Amendment 14th Amendment and
21 PHYSICAL IRREVOCABLE INJURIES and EMOTIONAL DISTRESS (\$20,000,000
22 Dollars) and COMPENSATION DAMAGES INDIVIDUALLY (\$100,000 \$)
23 EACH OFFICERS (Jointly and SEVERALLY). any RELIEF Court DEEM JUST.

24 Under PENALTY of PERJURY ALL is TRUE and Correct.

25 DATED: 1-24-23

26 MELVIN H. PARKER III AP-1220
27 CSP-SAC-HH-106#
P.O. BOX 2900660
REPRESA, CA 95671

28 SUBMITTED:
Melvin H. Parker # AP-1221
(SEE EXHIBITS-A1 & A2)

EXHIBIT COVER PAGE



EXHIBIT

Description of this Exhibit: Declaration from INMATE:
(DURD'L PUCKETT #605549)

Number of pages to this Exhibit: 2 pages.

JURISDICTION: (Check only one)

- Municipal Court
- Superior Court
- Appellate Court
- State Supreme Court
- United States District Court
- State Circuit Court
- United States Supreme Court
- Grand Jury

I, Durrell Anthony Puckett declare as follows;

"On 10/31/19 Officers heard me engage in a intense abusive conversation with Inmate/Patient Parker (cdcr# A#1330) so Prior to dayroom activity officer West had approached my cell and stated "Now or never if you want Parker," or words to that effect.

2) I, stated "for real," and West stated "Yeah he wants to file 602's will set it up," or words to that effect.

3) the camcorder will show West retaking my waist chains off than the door opening.

4) I told Lt. Williamson on 12-11-19 around 6:15 p.m. but he gotten mad and walked off without writting anything down.

4) Officer J. Monroe and Sgt. C. Parham had no knowledgment to my understanding.

I, Durrell Anthony Puckett declare under penalty of perjury that the foregoing is true and correct on December 11th, 2019 in Represa, California DAP/HJ

Declarant

Durrell Anthony Puckett
cdcr# G-05549

I, Durrell Anthony Puckett declare that Lt. Williamson got upset when I made a statement for F/p Parker about c/o West on how staff intentionally allowed him to get victimized by me, he should not even get found guilty of a RVR 115 for defending himself.

I also want it noted that I loaded % West for him deliberately allowing a inmate to almost get killed.

% West knew of our disagreement with each other so % West stated "This is your chance," referring to I/p Parker... West and I/p Parker had previously had exchanged words so he payed me through a Greendot number to try to kill parker and which I was unsuccessful. Due to I/p Parker was trying to peacefully protest his rights.

I want it noted that Lt. Williamson did not write my statement down nor ask (2) or more questions.

I, Durrell Anthony Puckett declare under penalty of perjury that the foregoing is true and correct on December 30th, 2019 x Durrell A. P. Puckett

Declarant D. Puckett

EXHIBIT COVER PAGE

A2*

EXHIBIT

Description of this Exhibit:

MEMORANDUMS from WARDEN
JEFF LYNCH 12-20-22

Number of pages to this Exhibit: 2 pages.

JURISDICTION: (Check only one)

- Municipal Court
- Superior Court
- Appellate Court
- State Supreme Court
- United States District Court
- State Circuit Court
- United States Supreme Court
- Grand Jury

**Exhibit A2
REPORTED RETALIATION C-**

State of California

OIA Investigation/Allegation Inquiry Findings
Department of Corrections and Rehabilitation

Memorandum

Date : December 20, 2022

To : PARKER AP1330
 California State Prison, Sacramento
 Facility A
 A 004 1-006001U

Subject: INVESTIGATION/ALLEGATION INQUIRY FINDINGS RELATIVE TO GRIEVANCE
 LOG #: 211855 AND/OR ALLEGATION AGAINST STAFF TRACKING SYSTEM LOG
 #: 20004615.

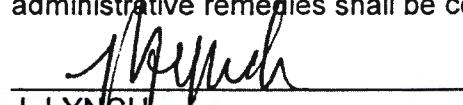
ISSUE: Inmate Parker alleged ongoing retaliation from staff involving sexual assaults by using a computer generated device. Parker alleged staff engaged in intimidation by smiling at him while saying, "cuff it up." Parker claimed staff lost evidence related to alleged murder for hire 10/31/2019.

DETERMINATION OF ISSUE: Your claim contained an allegation of staff misconduct and was either processed as an Office of Internal Affairs (OIA) Investigation, or as an Allegation Inquiry by a Locally Designated Investigator (LDI).

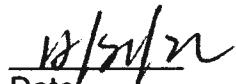
FINDINGS: Upon receipt and review of the Confidential Investigation Report, Allegation Inquiry, or approval from OIA for direct adverse action, the Hiring Authority determined your allegation was:

- NOT SUSTAINED: The investigation or inquiry failed to disclose a preponderance of evidence to prove or disprove the allegation made in the complaint.
- UNFOUNDED: The investigation or inquiry conclusively proved that the act(s) alleged did not occur, or the act(s) may have, or in fact, occurred but the individual employee(s) named in the complaint(s) was not involved.
- EXONERATED: The facts, which provided the basis for the complaint or allegation, did in fact occur; however, the investigation or inquiry revealed that the actions were justified, lawful, and proper.
- SUSTAINED: The investigation or inquiry disclosed a preponderance of evidence to prove the allegation(s) made in the complaint.

ALL STAFF PERSONNEL MATTERS ARE CONFIDENTIAL IN NATURE. As such, the details of any inquiry or investigation will not be shared with staff, members of the public, or any offender. Although you have the right to submit an allegation of staff misconduct, a request for administrative action regarding staff or the placement of documentation in a staff member's personnel file is beyond the scope of the staff misconduct process. Your claim was identified as an allegation of staff misconduct, meaning it was referred to an appropriate authority within the Department for the purpose of gathering facts needed to prove or disprove the allegation. The Inquiry/Investigation was completed and your administrative remedies shall be considered exhausted.



J. LYNCH
Warden



Date

**Exhibits A2
REFERRAL TO NOTICE MADE TO WARDEN OFFICIALS**

6/21/22 - 6/27/22
State of California

OIA Investigation/Allegation Inquiry Findings
Department of Corrections and Rehabilitation

Memorandum

Date : December 20, 2022

To : PARKER AP1330
California State Prison, Sacramento
Facility A
A 004 1-006001U

Subject: INVESTIGATION/ALLEGATION INQUIRY FINDINGS RELATIVE TO GRIEVANCE LOG #: 222772 AND/OR ALLEGATION AGAINST STAFF TRACKING SYSTEM LOG #: 20008298.

ISSUE: Parker alleged Officers BURKHART and "CURLLEY" have been watching him in his housing unit while washing up, using the bathroom, and pleasuring himself.

Parker alleged staff have utilized devices can enter his cell, force themselves on him, grope him, and sodomize him. Parker alleged CSP-SAC has failed to properly investigate his claims.

Parker alleged staff are using voice technology to contact his friends and family to tell them he is in prison for raping babies. Staff have also used this voice technology to mimic his daughter's voice over the PA system saying he touched his daughter when he she was six years old.

Parker alleged Officer WEST and other staff paid Inmate Puckett to kill him in the B8 dayroom on 10/31/2019, and nothing happened, and the incident was covered up.

DETERMINATION OF ISSUE: Your claim contained an allegation of staff misconduct and was either processed as an Office of Internal Affairs (OIA) Investigation, or as an Allegation Inquiry by a Locally Designated Investigator (LDI).

FINDINGS: Upon receipt and review of the Confidential Investigation Report, Allegation Inquiry, or approval from OIA for direct adverse action, the Hiring Authority determined your allegation was:

- NOT SUSTAINED: The investigation or inquiry failed to disclose a preponderance of evidence to prove or disprove the allegation made in the complaint.
- UNFOUNDED: The investigation or inquiry conclusively proved that the act(s) alleged did not occur, or the act(s) may have, or in fact, occurred but the individual employee(s) named in the complaint(s) was not involved.
- EXONERATED: The facts, which provided the basis for the complaint or allegation, did in fact occur; however, the investigation or inquiry revealed that the actions were justified, lawful, and proper.
- SUSTAINED: The investigation or inquiry disclosed a preponderance of evidence to prove the allegation(s) made in the complaint.

PROOF OF SERVICE

(C.C.P. §§1013(a); 2015.5; 28 U.S.C. §1746)

I, Melvin Parker III, am over the age of eighteen (18) years, and I (am) (am not) a party to the within cause of action. My address is:

MELVIN PARKER III
(CSP-SAC) A4-106
P.O. BOX 290066
REPREA, CT 06711

On, JAN, 24th, 2023, I served the following documents:

Motion to Amend Complaint 2:22-cv-02015-KING
and 4 Exhibits, Declaration A1 and Memorandum
A2) dated 12-20-22

on the below named individual(s) by depositing true and correct copies thereof in the United State mail in Represa, California, with postage fully prepaid thereon, addressed as follows:

1. EASTERN DISTRICT COURT
OFFICE OF THE CLERK
501 1 STREET SUITE 4200
SAC, CA 95814 2. _____

I have read the above statements and declare under the penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Executed this 24th day of JAN, 2023, at California State Prison - Sacramento, Represa, California.

(Signature)

Melvin Parker III